

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

LUCAS HORTON,	§	
Plaintiff,	§	
	§	
VS.	§	
	§	CIVIL ACTION NO. _____
TARRANT COUNTY HOSPITAL	§	
DISTRICT D/B/A JPS HEALTH	§	
NETWORK,	§	
Defendant.	§	

**DEFENDANT'S NOTICE OF REMOVAL**

**TO THE HONORABLE JUDGE OF SAID COURT:**

Defendant Tarrant County Hospital District d/b/a JPS Health Network submits this Notice of Removal in accordance with 28 U.S.C.A. § 1446(a) and L.R. 81.1 of the Local Rules of the Northern District of Texas.

**I. INTRODUCTION**

1. Plaintiff is Lucas Horton. Defendant is Tarrant County Hospital District d/b/a JPS Health Network.
2. This Court has jurisdiction by virtue of 28 U.S.C.A. §§ 1331, 1441, and 1446.
3. On November 19, 2021, Plaintiff filed his Small Claims Petition in Precinct 2, Place 1 of the Justice of the Peace Court for Dallas County, Texas; Cause No. JS21-00379D; styled *Lucas Horton v. Tarrant County Hospital District d/b/a JPS Health Network*.
4. Plaintiff's Small Claims Petition alleges that Defendant violated 47 U.S.C. § 227 of the Telephone Consumer Protection Act and Section 305.053 of the Texas Business and Commerce Code.
5. Defendant was served with the Small Claims Petition on December 22, 2021.
6. Defendant files this notice of removal within the 30-day time period required by 28 U.S.C.A.

§ 1446(b).

## **II. BASIS FOR REMOVAL**

7. Removal is proper because Plaintiff's suit involves a federal question.<sup>1</sup> Specifically, Plaintiff's suit includes claims for damages based upon alleged violation of 47 U.S.C. § 227 of the Telephone Consumer Protection Act.
8. All filings in the state court action are attached to this notice as required by 28 U.S.C.A. §1446(b) and L.R. 81.1.
9. Venue is proper in this district under 28 U.S.C.A. § 1441(a) because this district and division embrace the place where the removed action has been pending.
10. Defendant will promptly file a copy of this notice of removal with the clerk of the state court where the action has been pending.

## **III. JURY DEMAND**

11. Plaintiff did not make a jury demand in his Small Claims Petition.

## **IV. REQUIRED STATE DOCUMENTS ATTACHED**

12. Defendant attaches all documents required by Local Rule 81.1, as follows:

**Exhibit A:** INDEX OF STATE COURT DOCUMENTS

**Exhibit B:** Copy of the CIVIL DOCKET sheet for Cause No. JS21-00379D, filed in Precinct 2, Place 1 of the Justice of the Peace Court for Dallas County, Texas.<sup>2</sup>

**Exhibit C:** The State Court documents, individually tabbed and organized by order according to the State Court's filing date, tabbed and numbered. (*see* Exhibit "A" – Index).

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<sup>1</sup> 28 U.S.C.A §§ 1331, 1441(b); *Empire Healthchoice Assur., Inc. v. McVeigh*, 547 U.S. 677, 689, 126 S.Ct. 2121, 2131, 165 L.Ed.2d 131 (2006); *Medina v. Ramsey Steel Co., Inc.*, 238 F.3d 674, 680 (5th Civ. 2001).

<sup>2</sup> Undersigned counsel made several requests to the small claims court requesting a docket statement and the attached document is the document that the small claims court provided.

**V. PRAYER**

Defendant prays that this case, now pending in Precinct 2, Place 1 of the Justice of the Peace Court for Dallas County, be removed therefrom to this Court, and that this Court assume jurisdiction of and retain this cause for final disposition.

Respectfully submitted,

**s/s Roel J. Fabela**

**ROEL J. "JOEY" FABELA**

Assistant Criminal District Attorney  
State Bar No. 24069691

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**ATTORNEY FOR DEFENDANT  
DEFENDANT TARRANT  
COUNTY HOSPITAL DISTRICT D/B/A JPS  
HEALTH NETWORK**

**CERTIFICATE OF SERVICE**

I certify that a true and correct copy of the above and foregoing document was served upon the following party, by certified mail, return receipt requested, in accordance with the provisions of Rule 5, FED. R. CIV. P., on January 4, 2022.

***Via Certified Mail & E-mail***

**Lucas Horton**  
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Pro Se Plaintiff

**/s/ Roel J. Fabela**

Roel J. Fabela  
Assistant Criminal District Attorney